

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EMELIKE NWOSUOCHA,                :
                                   :
                                   :      21 Civ. 04047 (VM)
                                   :
      Plaintiff,                   :
                                   :
      - against -                   :      ORDER
                                   :
DONALD MCKINLEY GLOVER, II, et al., :
                                   :
                                   :
      Defendants.                 :
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VICTOR MARRERO, United States District Judge.

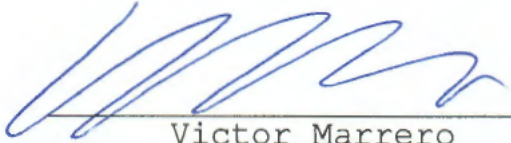
On December 22, 2021, consistent with the Court's Individual Practices, counsel for defendants Donald McKinley Glover, II, Ludwig Emil Toms Goransson, Jeffrey Lamar Williams, Kobalt Music Publishing America, Inc. d/b/a Songs of Kobalt Music Publishing, RCA Records, Sony Music Entertainment, Young Stoner Life Publishing, LLC, Theory Entertainment LLC d/b/a 300 Entertainment, Atlantic Recording Corporation, Warner Music Group Corp., and Warner-Tamerlane Publishing Corp. (collectively, the "Initiating Defendants") sent counsel for plaintiff Emelike Nwosuocha ("Nwosuocha") a premotion letter identifying alleged deficiencies in the Complaint (Dkt. No. 1) that Nwosuocha filed in this action, and that allegedly would provide a basis supporting a motion to dismiss. (See Dkt. No. 72-1 at 1-4.) Defendants Songs of Universal, Inc. and Roc Nation Publishing LLC (together with the Initiating Defendants, "Defendants") joined in the Initiating Defendants' premotion letter on the same day. (See id. at 5-6.) On January 12, 2022, also consistent with the Court's Individual Practices, counsel for Nwosuocha sent a three-page letter in response,

opposing the grounds that Defendants stated in favor of the proposed motion. (See id. at 7-9.) On January 18, 2022, Defendants responded to Nwosuocha's January 12, 2022 letter, (see id. at 10-25), and Nwosuocha replied on February 8, 2022. (See id. at 26-28.) On February 18, 2022, the Court received a letter from Defendants requesting a premotion conference, asserting that the letter exchange did not resolve the dispute and thus failed to avoid motion practice at this stage of the proceedings. (See Dkt. No. 72.) On June 24, 2022, the Court directed Defendants to file a motion to dismiss limited to three pages in length. (See Dkt. No. 81.) Upon request of Defendants, (see Dkt. No. 82), the Court granted enlarged briefing limited to six pages in length. (See "July 20 Order," Dkt. No. 83.)

In light of recent Second Circuit opinions, the parties are directed to advise the Court whether they consent for the Court to deem the briefing as set forth in the July 20 Order as a fully briefed motion and rule on the basis of the forthcoming limited briefs, or whether the parties request supplemental or full briefing on Defendants' motion. If the parties request supplemental or full briefing, they shall submit a proposed briefing schedule within one week of the date of this order

SO ORDERED.

Dated: New York, New York
August 10, 2022



Victor Marrero
U.S.D.J.